

## Income Tax Act, 1961

### Section 80P - Deduction in Respect of Income of Co-operative Societies

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(1) Where, in the case of an assessee being a co-operative society, the gross total income includes any income referred to in sub-section (2), there shall be deducted, in accordance with and subject to the provisions of this section, the sums specified in sub-section (2), in computing the total income of the assessee.

(2) The sums referred to in sub-section (1) shall be the following, namely:

(a) in the case of a co-operative society engaged in

(i) carrying on the business of banking or providing credit facilities to its members, or

(ii) a cottage industry, or

1[(iii) the marketing of agricultural produce grown by its members, or]

(iv) the purchase of the agricultural implements, seeds, livestock or other articles intended for agriculture for the purpose of supplying them to its members, or

(v) the processing, without the aid of power, of the agricultural produce of its members, or

(vi) the collective disposal of the labour of its members, or

(vii) fishing or allied activities, that is to say, the catching, curing, processing, preserving, storing or marketing of fish or the purchase of materials and equipment in connection therewith for the purpose of supplying them to its members,

the whole of the amount of profits and gains of business attributable to any one or more of such activities:

Provided that in the case of a co-operative society falling under sub-clause (vi), or sub-clause (vii), the rules and bye-laws of the society restrict the voting rights to the following classes of its members, namely:

(1) the individuals who contribute their labour or, as the case may be, carry on the fishing or allied activities;

(2) the co-operative credit societies which provide financial assistance to the society;

(3) the State Government;

(b) in the case of a co-operative society, being a primary society engaged in supplying milk, oil seeds, fruits or vegetables raised or grown by its members to

(i) a federal co-operative society, being a society engaged in the business of supplying milk, oil seeds, fruits, or vegetables, as the case may be; or

(ii) the Government or a local authority; or

(iii) a Government company as defined in section 617 of the Companies Act, 1956 (1 of 1956), or a corporation established by or under a Central, State or Provincial Act (being a company or corporation engaged in supplying milk, oil seeds, fruits or vegetables, as the case may be, to the public),

the whole of the amount of profits and gains of such business;

(c) in the case of a co-operative society engaged in activities other than those specified in clause (a) or clause (b) (either independently of, or in addition to, all or any of the activities so specified), so much of its profits and gains attributable to such activities as does not exceed,

(i) where such co-operative society is a consumers co-operative society, <sup>2</sup>[one hundred] thousand rupees; and

(ii) in any other case, <sup>3</sup>[fifty] thousand rupees.

Explanation : In this clause, consumers co-operative society means a society for the benefit of the consumers;

(d) in respect of any income by way of interest or dividends derived by the co-operative society from its investments with any other cooperative society, the whole of such income;

(e) in respect of any income derived by the co-operative society from the letting of godowns or warehouses for storage, processing or facilitating the marketing of commodities, the whole of such income;

(f) in the case of a co-operative society, not being a housing society or an urban consumers society or a society carrying on transport business or a society engaged in the performance of any manufacturing operations with the aid of power, where the gross total income does not exceed twenty thousand rupees, the amount of any income by way of interest on securities or any income from house property chargeable under section 22.

Explanation : For the purposes of this section, an urban consumers cooperative society means a society for the benefit of the consumers within the limits of a municipal corporation, municipality, municipal committee notified area committee, town area or cantonment.

(3) In a case where the assessee is entitled also to the deduction under section 80HH or section 80HHA or section 80HHB or section 80HHC or section 80HHD or section 80-I or section 80-IA or section 80J<sup>\*</sup> or section 80JJ<sup>\*\*</sup>, the deduction under sub-section (1) of this section, in relation to the sums specified in clause (a) or clause (b) or clause (c) of sub-section (2), shall be allowed with reference to the income, if any, as referred to in those clauses included in the gross total income as reduced by the deduction under section 80HH, section 80HHA, section 80HHB, section 80HHC, section 80HHD, section 80-I, section 80-IA, section 80J<sup>\*</sup> and section 80JJ<sup>\*\*</sup>.

<sup>4</sup>[(4) The provisions of this section shall not apply in relation to any co-operative bank other than a primary agricultural credit society or a primary co-operative agricultural and rural development bank.

Explanation : For the purposes of this sub-section,--

(a) co-operative bank and primary agricultural credit society shall have the meanings respectively assigned to them in Part V of the Banking Regulation Act, 1949 (10 of 1949);

(b) primary co-operative agricultural and rural development bank means a society having its area of operation confined to a taluk and the principal object of which is to provide for long-term credit for agricultural and rural development activities.]

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\* Reference to section 80J needs to be amended as the same has now been omitted by the Finance (No. 2) Act, 1996, with retrospective effect from 1st April, 1989.

\*\* Reference to section 80JJ needs to be amended as the same has now been omitted by the Finance Act, 1997, with effect from 1st April, 1998.

1. Substituted by the Income-tax (Second Amendment) Act, 1998, with retrospective effect from 1st April, 1968. Prior to substitution, sub-clause (iii) stood as under:

(iii) the marketing of the agricultural produce of its members, or

2. Substituted for forty by the Finance (No. 2) Act, 1998, with effect from 1st April, 1999.

3. Substituted for twenty by the Finance (No. 2) Act, 1998, with effect from 1st April, 1999.

4. Inserted by the Finance Act, 2006, with effect from 1st April, 2007.

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